



OLD VALUES - NEW HORIZONS

## COMMUNITY DEVELOPMENT

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### Planning Board Approved Minutes

Wednesday, July 6, 2016

7:00pm @ Community Development Department

#### Attendance:

Chairman Paul Gosselin, present

Margaret Crisler, excused

Dan Guttman, present

Kathleen DiFrusia (alternate), (arrived at 7:30pm, seated for Mr. Carpenter at 9:04pm)

Matt Rounds (alternate), present (arrived at 7:07pm)

Gabe Toubia (alternate), present

Ross McLeod, Board of Selectmen representative, present

Jennifer Simmons, Board of Selectmen alternate-excused

Vice Chair Kristi St. Laurent, present

Alan Carpenter, present

Ruth-Ellen Post, present

Mr. Toubia is seated for Ms. Crisler.

#### Staff:

Dick Gregory, ZBA/Code Enforcement Administrator

Anitra Brodeur, Minute Taker

The meeting was called to order at 7:01pm.

#### Design Review Regulation Subcommittee – Interviews & Appointments

Vice Chair St. Laurent read 2 emails into the record. The first was from Mr. Peter Griffin recommending both Barbar Khan and David Demers to be reappointed to the Design Review Committee. The second email was from Bruce Anderson. He is in support of Mr. Barbar Khan to be reappointed to the Design Review Committee.

Ms. Carol Pynn addressed the Board. She reviewed her knowledge of Design Regulations and Rules and Procedures. She asked if the Design Review meetings are open to the public; the Board stated that they are. Mr. Carpenter asked if there were committees that she currently served on. She does indeed serve on four different boards in town.

Mr. Barbar Khan addressed the Board. He now does investigative forensic engineering as an occupation. He has been on the committee for the past two years. He spoke to being aware of any potential conflict of interest he may have between serving on the Board and his clients. He spoke to how the role of the committee is to test the project against the standard. He would be honored to be reappointed. Ms. Post asked Mr. Khan's opinion about the regulations. He likes the standards and would not seek to change any of them at this time. Chairman Gosselin stated that the role of the Design Review Committee is key to the role of the Planning Board.

Mr. David Demers addressed the Board. He has served on the Design Review Committee since its inception. The properties he owns have never come before the Design Review Committee. He is currently

the Vice Chair of the Committee. Ms. Post asked Mr. Demers his opinion about the Design Regulations. He stated he is in agreement with the regulations but there is always room for improvement. Chairman Gosselin thanked him for her service on the Committee.

Vice Chair St. Laurent read Ms. Neelima Gogumalla's letter into the record, as she was not present at the meeting. Her email expressed interest in being appointed to the Design Review Committee.

**Mr. McLeod made a motion to go into non-public session under RSA 91-A III (c) at 7:28pm. Seconded by Mr. Guttman. Roll call vote: Ms. Post, Mr. Guttman, Vice Chair St. Laurent, Chairman Gosselin, Mr. Carpenter, Mr. Toubia, and Mr. McLeod-yes.**

The Board discussed the applicants and the committee structure.

**In non-public, a motion was made by Mr. McLeod to reappoint David Demers and Barbar Khan to the Design Review Committee. Seconded by Ms. Post.  
Vote 5-2. Motion passes. Mr. Guttman and Mr. Toubia opposed.**

**Chairman Gosselin reviewed the vote with the public when the Board returned to the public session at 7:44pm.**

#### **Public Hearings**

Case 2016-18: Preliminary Major Site Plan/Design Review Subdivision Application & WWPDP Special Permit Application (Lots 25-G-30 & 25-G-40) Marblehead Road & 36 Marblehead Road

An application for a Preliminary Major Site Plan and Design Review of a Subdivision has been submitted for Lots 25-G-39 & 25-G-40 in the Residence-A and Wetland and Watershed Protection Districts. The Applicant, Benchmark Engineering, Inc. on behalf of owners Windham Marblehead Properties, LLC and South Fork Properties, LLC is proposing to construct an eight (8) unit residential condominium development consisting of single-family detached dwellings to be accessed via a private road. WWPDP Special Permit is required for the private way, driveway and 2 dwelling units located within the WWPDP. Waivers are being requested from the requirements of the roadway standards.

**A motion was made to accept the application as a major site plan and open the hearing at 7:45pm. Seconded by Mr. Guttman. Vote 7-0. Motion passes.**

Mr. Joe Maynard addressed the Board. Variances were granted from the ZBA to develop the property as an 8-unit condominium development and two of the dwellings would be in the WWPDP. There was an archeological study recently done. The waiver requests will be: pavement width, length of the driveway, gravel thickness, and cul-de-sac requirements. The current plan is about 8% impervious coverage.

The Board mentioned Section 602.2.4. Cul-de-sac requirements state that residential road meets all requirements in curve design and connection to other roads. The 14-foot wide road is of concern. Mr. Maynard stated that there would be 2 -foot gravel shoulders on each side and there would be a few turn offs on each side as well. Mr. Maynard also suggested having a designated parking area.

Mr. Carpenter stated that this is, in essence, a driveway. The town will not likely take and maintain this road. Hence, the Board questioned if the ordinances applied to a private driveway. Mr. Maynard offered the solutions that the driveways to the homes could be 18 feet instead of 14 feet so it would be two cars wide. Individual wells will be used. There will be limited common areas for each house.

The Board asked about boxed culverts; they would not be moved from the original plan. There would be one open bottom culvert and one 24-inch culvert on the new plan. There will be a drainage design that

will also be done. The WWPDP markers will be spaced at 25 feet intervals along the 25 foot buffer line; this will be contained in the deed.

Mr. Joe Gauthier addressed the Board. He is the applicant and would like to have the least amount of impact from a landscaping and parking perspective.

The Board also discussed the road/driveway issue. The Board also asked the applicant to consider the limited use of salt and fertilizers. The Board would also like some consideration given to snow storage.

**The hearing was open to the public at 8:19pm.**

Mr. Doug Roberts, 15 Canterbury Rd. addressed the Board. He stated that the original plan went from over 35 units to 8 units. The abutters are very happy with the proposal. Mr. Roberts also read a letter from another neighbor, Bruce Riel, 34 Marblehead Rd.; he is in full support of the plan.

Mr. Ed Crean, 5 Canterbury Road, addressed the Board. He spoke to the design from a well perspective as well as a visual perspective. Also, water quality was discussed. A shorter, thinner road would have less run off and less impact on the ponds. He read the ingredients of break dust to articulate the point that run off from roads can impact wetlands and wildlife.

Mr. Wayne Morris, Jordan Road, addressed the Board. He is also a member of the Conservation Commission. He spoke to the original plan and how far the developer had come to accommodate the abutters in reference to the health of the ponds. Mr. Morris stated that the philosophy of the professionals that the Rock Pond Association has hired over the years has always been to get the water into the ground as quickly as possible. This new plan seeks to embrace that philosophy.

Mr. Mike Furry, 27 Emerson Road, addressed the Board. He would like to see the small, nice pond protected as much as possible.

**Chairman Gosselin closed the hearing to the public at 8:36pm.**

The Board shared their final thought regarding parking on the proposed narrow driveway/road.

**A motion was made by Mr. McLeod to close discussion and end the preliminary hearing Seconded by Mr. Carpenter. Vote 7-0. Motion passes.**

**Case 2016-19: Design Review – Open Space Subdivision & Cobbetts Pond and Canobie Lake Watershed Application (Lots 21-C-70 & 21-C-80) 208 & 212 Range Road**

An application for Design Review of a five lot Open Space Subdivision and a Cobbetts Pond and Canobie Lake Watershed Application has been submitted for Lots 21-C-70 and 21-C-80 in the Residence A and Cobbetts Pond and Canobie Lake Watershed Protection Districts. The Applicant, Benchmark Engineering, Inc. on behalf of owners Bernice A. Kowalski (Lot 21-C-70) and EB Rich, LLC (Lot 21-C-80) is proposing a five lot residential open space subdivision with one lot having frontage and access at Range Road with the four remaining lots (1 existing home) having frontage and access on a proposed private road. Waivers are being requested from the requirements of the roadway standards.

**A motion was made by Mr. McLeod to accept the design review application and open the hearing at 8:52pm. Seconded by Mr. Carpenter. Vote 7-0.**

Mr. Joe Maynard from Benchmark Engineering addressed the Board representing the applicant. The Board commented that the proposal does not appear to be an open space subdivision. It appears to be a

series of lots that are not completely connected. The Board did like that the open space is being preserved by the plan. There will be no major changes to the topography in the section of the property that must comply with the watershed ordinance. There are no wetlands on the property.

Ms. Post reiterated her concern about the narrow road width as she had in the previous application. The Board would also like to see a yield plan due to the topographical challenges of the lot.

**The hearing was opened and closed to the public at 9:01pm.**

**A motion was made by Mr. Carpenter to end discussion and close the hearing. Seconded by Mr. McLeod. Vote 7-0. Motion passes.**

Case 2016-20: Preliminary Major Site Plan/Design Review Subdivision Application and WWPDP Special Permit Application (Lots 13-C-123 & 13-C-200) 15 Roulston Road

An Application for a Preliminary Major Site Plan and Design Review of a Subdivision intended to create thirty-two (32) dwelling units of Housing for Older Persons has been submitted for Lots 13-C-123 & 13-C-200 in the Residence A and Wetland and Watershed Protection Districts. The Applicant, Benchmark Engineering, Inc. on behalf of owners Jarosky Revocable Trust and MLC Realty is proposing to construct thirty-two (32) single family detached dwelling units of Housing for Older Persons to be accessed via a private road. Density bonuses are requested under Section 610.7 of the Ordinance.

Mr. Carpenter recused himself at 9:03pm, as he is an abutter to the property at 9:03pm. Ms. Post resides nearby but is not an abutter and does not have the property in view of where she lives.

**Ms. DiFrusia is now seated for Mr. Carpenter at 9:04pm.**

**A motion was made by Mr. McLeod to accept the application and open the hearing as a major site plan at 9:06pm. Seconded by Ms. DiFrusia. Vote 7-0. Motion passes.**

Mr. Joe Maynard addressed the Board. He reviewed the history of the property and how the land has historically been used and how the plan has changed since the initial denied variance from ZBA. Mr. Maynard mentioned the density offset with: the clubhouse, bocce courts, and other additions to the property. Each dwelling has a two-car garage and each driveway is three cars wide. The clubhouse also has additional parking. Mr. Maynard also had pictures of the site to show where a large berm with trees would be planted as a buffer.

The Board asked about the Morrison property and how the business that currently sits on the property will move from the Jaworsky land to the front property. The business will move to the front property at which point a site plan application will come forward. Also, the pathway to the rail trail will be a walking path but not ADA compliant.

The Board asked if the Rail Trail Alliance was amenable to a connection to a private residence. Mr. Maynard stated that the Alliance is interested in a potential connection and there are other properties that have connected to the rail trail in the past as well.

The Board would like to see the path to the rail trail be a hard packed surface to encourage use of the rail trail; the applicant stated that the town has an agreement with the state to maintain the rail trail. The applicant has maintained the road standard of 24 feet. The project would likely need to be closed drainage.

The Board would like to know what the need is for 55+ housing in Windham. The applicant and staff stated there does appear to be a need for more. The applicant would like to do one well for every two houses, which would be a total of 16 wells. They will all be two bedroom structures.

The Board would like to see benches or widened areas of the path from the dwellings to the rail trail. The Board would also like to see some variability in the size of the dwelling. The Board is happy to see the connection to the rail trail and other outdoor amenities. The Board suggested moving the clubhouse to Unit 17; it would be closer to the rail trail. Mr. Maynard stated that the clubhouse was at the front to offer a buffer off of Roulston Road.

**The hearing was open to the public at 9:44 pm.**

Mr. Spencer Joiner, 18 Stonehenge Rd., addressed the Board. Mr. Joiner is very happy that there would be an evergreen buffer available as he is an abutter. He is concerned about both the availability of water for wells and the density of the dwellings. Mr. Joiner stated that he does think his well has been impacted by the commercial properties that have gone in in the past few years. Mr. Joiner would like to see the evergreens and the berm extend even further to allow protection for his neighbor as well.

Mr. Alan Carpenter, 8 Glenwood Road, addressed the Board. He is an abutter. Mr. Carpenter would be interested in considering moving the proposed wells away from existing wells as much as possible. He is also concerned about the density. He also stated he considers the units to have 3 bedroom as the residents often choose to finish off the attics and/or basements.

**The hearing was closed to the public at 9:58pm.**

Mr. Maynard stated that the water systems are often handed over to Pennechuck, as they are far more knowledgeable about wells and water quality. Mr. Maynard would like a suitable density from the Board for the number of units. The Board stated that the density is linked to wells and the water supply. Mr. Maynard stated he would bring a hydro geologist in to speak about wells; he would like to avoid community wells.

The Board discussed the density of the houses on the lot. The clubhouse will off set the density bonus. The applicant would like to know if the density is not appropriate, what density percentage is appropriate.

Mr. Toubia asked again about the location of the wells and whether or not they can be moved away from the nearby-inhabited properties.

Mr. Maynard urged the Board to find consensus for how many units would need to be eliminated from the current plan so that they could support the density. Chairman Gosselin stated he does not think the Board will reach a consensus at this time, yet, most members feel that 3-5 units or 15-20% of the density would be an appropriate way to edit the plan.

**A motion was made by Mr. Guttman to end discussion and close the public hearing at 10:24pm. Seconded by Mr. McLeod. Vote 7-0. Motion passes.**

**Old/New Business**

Mr. McLeod spoke to the changes that may occur in the Planning Department around job descriptions and hiring new staff for vacancies.

**A motion was made by Mr. Guttman to adjourn at 10:28pm. Seconded by Mr. McLeod. Vote 7-0. Motion passes.**

# Approved